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W. W. Smith

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June 13, 1953

*For review
+ return*

Date 230381 Reviewer

MEMORANDUM TO: Honorable John Foster Dulles
Honorable Allen W. Dulles
General Walter Bedell Smith
General Robert Cutler

FROM: C. D. Jackson

Alley

Some Notes on the Revision of the
UN Charter in 1955.

The present UN Charter was drafted without knowledge of two very important facts which would have materially altered the situation had they been known at the time of Dumbarton Oaks and San Francisco. These two facts are: (a) both Dumbarton Oaks and San Francisco occurred before the A-Bomb was dropped -- in other words, before the atomic age; (b) both Dumbarton Oaks and San Francisco were conducted on the assumption and in the aura of Soviet Russian willingness to play ball with her allies. In other words, the UN was an organ devised to maintain peace, but in fact that peace was never made.

Thus, the UN has never been an organization set up to operate within the atomic age, and furthermore, since change is one of the basic laws of man, if the UN is to have any vitality,

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it must be designed to recognize change rather than simply to maintain a status quo -- even if that status existed, which it does not.

Unknown to practically everyone is the fact that by law, the UN Charter comes up for revision in 1955, and this presents several extremely interesting angles and opportunities.

One of them is that President Eisenhower could, by this means, become the first Republican who, after the failure of the League of Nations, and the impotence of a non-atomic UN, could make this ever-recurring American dream come true, or at least measurably nearer.

I am not talking about any Utopia. I am talking about LAW. "Law" is a key word in this context, and I am sure the Secretary of State will understand what I mean without my attempting to explain it further (which I doubt if I could do).

The fact is that the UN has no law.

An extremely interesting document in this connection is, interestingly enough, Senator Taft's book, "Foreign Policy for Americans", particularly Chapter 3, "International Organization as a Means of Securing Peace with Liberty". A reading of the first four pages of this chapter will provide an excellent illustration of what I mean.

In this memo I would like to make three brief quotes from Taft's Chapter #3:-

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"I supported the resolution by the Republican Conference at Mackinac Island, 'favoring responsible participation by the United States in a postwar co-operative organization among sovereign nations to prevent military aggression, and to attain permanent peace with organized justice in a free world.' This was the language of Senator Vandenberg, and it contains the soundest, most concise statement of the proper basis of international organization." ..

"I was never satisfied with the United Nations Charter and stated my criticism definitely at the time. The fundamental difficulty is that it is not based primarily on an underlying law and an administration of justice under that law." ..

"It is extraordinary that the original Dumbarton Oaks proposals for a United Nations Charter omitted all reference to justice."

It looks as though Senator Taft might be a most cooperative ally in the revision project.

The other day Senator Sparkman was quoted in the New York Times as favoring the United States bending its efforts toward curing the international organization's (UN) weakness instead of disengaging itself from the UN.

As far as I know, the Baruch plan for atomic control has been the one and only attempt to modify the UN within the UN. The UN must recognize the atomic age. Bernard Baruch could also be a valuable ally.

If it were possible to define the category of disputes which the UN members agreed to take to a court of international law,

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and abide by its findings, that would in itself be a tremendous stride forward. For instance, economic disputes could be such a category. The strategy would be to start small, be successful, and then grow.

Another avenue of exploration has to do with "peaceful change". The status quo can be a reasonable base, but law must recognize change. Possibly a High Political Commission might be a body parallel to the International Court, which would have as its terms of reference taking cognizance of revolutions, colonialism, etc. in the interests of peaceful change. The plebiscite device seems pretty shopworn and insufficient.

The 1955 Charter revision deadline could give us an opportunity for postponing decision on the admission of Communist China until quite a lot more smoke has cleared. This could also involve the item discussed at last Sunday's meeting, namely, a substitution of India for Nationalist China as a Security Council member.

I would like to suggest that the Secretary of State, probably America's foremost international jurist, assume the responsibility for being the task force commander to develop a major project in connection with the 1955 UN Charter revision, and that he take advantage of top level bipartisan talent to constitute

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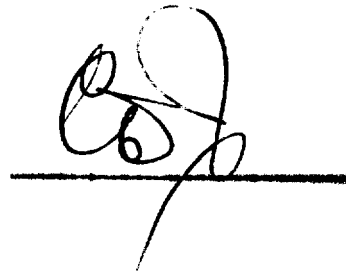
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his task force -- for instance, Senator Taft and an appropriate Democrat.

I would also suggest that the Secretary of State deliver a speech before the end of the year, preferably this fall, (assuming that the decks are clear for it) which would spring this whole problem of the UN Charter revision as a gripping surprise to the American people and the people of Western Europe, in which he could set forth a great deal of highest-level thoughtful statesmanship.

A handwritten signature, possibly "B. J.", is written over a horizontal line.

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